

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

| | | |
|---|---|-----------------------------|
| HAZEL BUNNER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NO. <u>17cv376-SPS</u> |
| |) | |
| AMERICAN ZURICH INSURANCE |) | |
| COMPANY, a foreign insurance corporation, |) | |
| |) | |
| Defendant. |) | |

COMPLAINT

COMES NOW the Plaintiff, Hazel Bunner, and for her claim for relief against the Defendant, American Zurich Insurance Company, a foreign insurance corporation, alleges and states as follows:

1. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1332. The Plaintiff, Hazel Bunner, is a citizen of Okmulgee, Oklahoma. The Defendant, American Zurich Insurance Company, is a foreign insurance corporation, domiciled in the State of Illinois, with its principal place of business located at 1400 American Lane, Tower 1, Floor 19, Schaumburg, Illinois, 60196. The Defendant is a citizen of the State of Illinois. The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.
2. Venue in this Court is proper pursuant to 28 U.S.C. § 1391. A substantial part of the events or omissions giving rise to this claim occurred in the Judicial District for the United States District Court for the Eastern District of Oklahoma.

3. On or about April 14, 2016 in Okmulgee, Oklahoma, within the Judicial District for this Court, the Plaintiff, Hazel Bunner, was injured in a car wreck. At about 3:00 p.m. on that date, Ms. Bunner was driving a 2007 Ford Escape in a northerly direction on State Highway 56. Robert Crooch was driving a 2004 Chevrolet Silverado pickup truck in an easterly direction on McKinley Road. Mr. Crooch failed to yield from a stop sign and violently struck the vehicle driven by Ms. Bunner.
4. The wreck was caused by the negligence of Mr. Crooch. Ms. Bunner received personal injuries caused by the wreck, which injuries are severe, permanent, and painful.
5. At the time of the wreck, Mr. Crooch had liability insurance in the amount of \$25,000.00. His liability insurance carrier has paid his policy limits to Ms. Bunner for her personal injuries. The Defendant waived its right of subrogation.
6. At the time of the wreck, the Ford Escape driven by Ms. Bunner was insured by the Defendant, with a policy number of BAP5993936-02. The policy provided underinsured motorist benefits of \$1,000,000.00. The policy was in full force and effect at the time of the wreck. Ms. Bunner was a covered person under the policy.
7. As a result of the wreck, Ms. Bunner has incurred damages for past medical bills, future medical bills, past loss of wages, future loss of wages, past pain, suffering, and mental anguish, and future pain, suffering, and mental anguish. Ms. Bunner is legally entitled to recover these damages from Mr. Crooch. Mr. Crooch is an

underinsured motorist under the terms of the policy because Ms. Bunner's damages greatly exceed his liability coverage of \$25,000.00.

8. The actions of Mr. Crooch were willful, wanton, and in reckless disregard of the rights of Ms. Bunner.
9. Ms. Bunner has made demand for payment upon the Defendant. The Defendant rejected Ms. Bunner's demand. The Defendant has paid Ms. Bunner the amount of \$36,631.10 in payment of some of her paid medical bills, some of her lost wages, and some general damages.
10. Ms. Bunner is entitled to the amount of \$1,000,000.00 from the Defendant for underinsured motorist benefits.

WHEREFORE, premises considered, the Plaintiff, Hazel Bunner, prays for judgment against the Defendant, American Zurich Insurance Company, in the amount of \$1,000,000.00, together with her costs, and such further and other relief to which she may show herself entitled.

Respectfully Submitted,

ATTORNEY'S LIEN CLAIMED
JURY TRIAL DEMANDED

s/ Roger Wiley
Roger Wiley Law, PLLC, OBA #11568
23 E. Carl Albert Parkway
P.O. Box 1667
McAlester, OK 74502
Telephone: (918) 429-7838
Facsimile: (918) 423-4888
Email: rogerwileylaw@gmail.com

s/ Michael D. Parks

Michael D. Parks, OBA #6904

10 E. Washington, Suite 102

P.O. Box 3220

McAlester, OK 74502

Telephone: (918) 426-1818

Facsimile: (918) 426-1836

Email: mike@mikeparkslaw.com

ATTORNEYS FOR PLAINTIFF,
HAZEL BUNNER